



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of Daniel Daly,  
Fire Captain (PM1051V),  
Paterson

CSC Docket No. 2019-2501

Examination Appeal

**ISSUED:** June 13, 2019 (RE)

Daniel Daly appeals his score for the oral portion of the promotional examination for Fire Captain (PM1051V), Paterson. It is noted that the appellant passed the subject examination with a final average of 78.720 and ranks 72<sup>nd</sup> on the resultant eligible list.

This two-part examination consisted of a written multiple-choice portion and an oral portion. Candidates were required to pass the written portion of the examination, and then were ranked on their performance on both portions of the examination. The test was worth 80 percent of the final score and seniority was worth the remaining 20 percent. Of the test weights, 31.35% of the score was the written multiple-choice portion, 22.49% was the technical score for the evolving exercise, 7.53% was the supervision score for the evolving exercise, 4.28% was the oral communication score for the evolving exercise, 19.23% was the technical score for the arriving exercise, 7.53% was the supervision score for the arriving exercise, and 7.59% was the oral communication score for the arriving exercise.

The oral portion of the Fire Captain examination consisted of two scenarios: a fire scene simulation with questions designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of fire fighters and the ability to assess fire conditions and hazards in an evolving incident on the fireground (evolving); and a fire scene simulation designed to measure the knowledge of safe rescue tactics and procedures to safeguard citizens, supervision of firefighters and the ability to plan strategies and tactics based upon a building's structure and condition (arriving). Knowledge of supervision was measured by

questions in both scenarios, and was scored for each. For the evolving scenario, candidates were provided with a 15-minute preparation period, and candidates had 10 minutes to respond. For the arriving scenario, a five-minute preparation period was given, and candidates had 10 minutes to respond.

The candidates' responses were scored on technical knowledge and oral communication ability. Prior to the administration of the exam, a panel of Subject Matter Experts (SMEs) determined the scoring criteria, using generally approved fire command practices, firefighting practices, and reference materials. Scoring decisions were based on SME-approved possible courses of action (PCAs) including those actions that must be taken to resolve the situation as presented. Only those oral responses that depicted relevant behaviors that were observable and could be quantified were assessed in the scoring process.

Candidates were rated on a five-point scale, with 5 as the optimal response, 4 as a more than acceptable passing response, 3 as a minimally acceptable passing response, 2 as a less than acceptable response, and 1 as a much less than acceptable response. For each of the scenes, and for oral communication, the requirements for each score were defined.

For the evolving scenario, the appellant scored a 2 for the technical component, a 5 for the supervision component, and a 5 for the oral communication component. For the arriving scenario, the appellant scored a 2 for the technical component, a 5 for the supervision component, and a 4 for the oral communication component. The appellant challenges his scores for the technical component of both scenarios. As a result, the appellant's test material, video, and a listing of PCAs for the scenarios were reviewed.

The evolving scenario involves a fire in a bookstore, and fire has broken through the roof. For the technical component, the assessor indicated that the appellant failed to ventilate windows on side a, a mandatory response to question 1, and to evacuate the crew from the building, a mandatory response to question 2. The assessor also noted that the appellant missed the opportunity to operate in teams of two, an additional response to question 1. On appeal, the appellant states that he stated that he would work in teams of two.

Question 1 asked candidates to describe in detail the orders they would give to their crew to carry out their assignment from the Incident Commander (IC). Question 2, indicates that, upon entry to perform a primary search, the candidate notes extremely high temperatures and a lot of smoke, and fire spreading across the ceiling from side C to side A. Candidates were to describe their next action. A review of the appellant's presentation indicates that he stated, "There will be systematic searches in teams of two." Nevertheless, all mandatory responses must

be given in order for a performance to be acceptable, whether there is one mandatory response or five of them. It is not assumed that candidates receive a score of 5 which is then lowered for lack of responses. Performances that include mandatory responses get a score of 3, and those without mandatory responses get a score of 1 or 2, unless the flex rule is used. Additional responses only increase a score from 3 to 4 or from 3 to 5. In this case, the appellant gave the additional response. However, a review of the presentation indicates that he did not give the two mandatory responses noted by the assessor. As such, his score of 2 is correct.

The arriving scenario involved a report of fire on the first and second floor of a row home, where there were people squatting inside when the fire broke out. Question 1 asked candidates to use proper radio protocols to perform an initial report upon arrival, and question 2 asked for specific actions to take after the initial report.

For the arriving scenario, the assessor noted that the candidate failed to report possible victims inside upon arrival, which was a mandatory response to question 1, and he failed to check the cocklofts for extension, which was a mandatory response to question 2. It was also noted that he missed the opportunity to report a row house on arrival in question 1. On appeal, the appellant states that he said he would keep in mind that there was a “common cockloft in this type of construction and the possibility of fire spread in a common cockloft to check for extension and also be mindful of how hard it would be to fight this fire aggressively when fire has compromised the cockloft.”

In reply, a review of the appellant’s presentation indicates that he did not properly respond to question 1, but incorporated his response to this question with his specific actions in response to question 2. As a result, he did not indicate in his initial report that there were possible victims inside. Additionally, while describing the scene, the appellant stated, “All my, my engine and my ladder companies will work in coordination with each other to prevent backdraft and flashover. Ah, all members on scene will be working on fireground frequency to establish good fireground communications. I will keep in mind this building is of type III ordinary construction ah, with a common cockloft. Once fire gets into this common cockloft it will be difficult to fight this fire offensively. It could also be ah, stacked kitchens and bathrooms ah, hidden voids in pipe chases where fire can hide and be difficult for extinguishment.” While the appellant gave this extensive analysis of the construction size-up factor, he did not then take the action in question 2 to check the cocklofts for extension. The appellant missed actions noted by the assessor and his score of 2 is correct.

**CONCLUSION**

A thorough review of the appellant's submissions and the test materials indicates that the decision below is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

**ORDER**

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 12<sup>th</sup> DAY OF JUNE, 2019



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